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8 Attorneys for Plaintiff

9 UNITED STATES MAGISTRATE COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)

13 Plaintiff,)

14 v.)

15 SHEILA WHITTENBERG,)

16 Defendant.)

No. 3 05 70552

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM SEPTEMBER 29, 2005 TO
OCTOBER 14, 2005 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

17
18 With the agreement of the parties, and with the consent of the defendant, the Court enters
19 this order scheduling an arraignment or preliminary hearing date of October 14, 2005 at
20 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the
21 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
22 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 29, 2005 to October 14, 2005.

23 The parties agree, and the Court finds and holds, as follows:

- 24 1. The defendant has been released on her own recognizance.
25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §
26 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective
27 preparation, taking into account the exercise of due diligence.
28 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

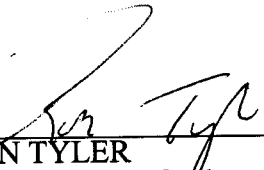
2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from September 29, 2005
9 to October 14, 2005, outweigh the best interest of the public and the defendant in a speedy trial.
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on October 14, 2005, at 9:30A.M., and (2) orders
13 that the period from September 29, 2005 to October 14, 2005 be excluded from the time period
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

18
19 DATED: _____



RON TYLER
Attorney for Defendant

20
21
22 DATED: 9/27/05



ROBERT DAVID REES
Assistant United States Attorney

23
24
25 IT IS SO ORDERED.

26
27 DATED: 9/28/05



HON. JOSEPH SPERO
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the office of the United States Attorney, Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned certifies that she caused copies of

**[PROPOSED] ORDER AND STIPULATION FOR CONTINUANCE
FROM SEPTEMBER 29, 2005 TO OCTOBER 14, 2005 AND
EXCLUDING TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. § 3161(H)(8)(A) AND WAIVING
TIME LIMITS UNDER RULE 5.1**

in the case of **UNITED STATES V. SHEILA WHITTENBERG, 03-05-70552** to be served on the parties in this action, by placing a true copy thereof in a sealed envelope, addressed as follows which is the last known address:

**RON TYLER, AFD
UNITED STATES FEDERAL PUBLIC DEFENDER'S OFFICE
450 GOLDEN GATE AVENUE, 19TH FLOOR
SAN FRANCISCO, CA 94102**

X (By Personal Service), I caused such envelope to be delivered by hand to the person or offices of each addressee(s) above.

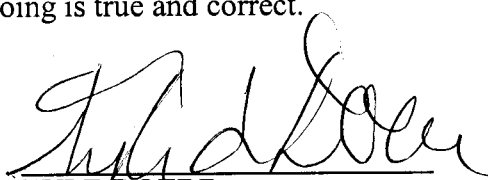
_____ (By Facsimile), I caused each such document to be sent by Facsimile to the person or offices of each addressee(s) above.

_____ (By Mail), I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California.

_____ (By Fed Ex), I caused each such envelope to be delivered by FED EX to the address listed above.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 28, 2005


TYLE/DOERR
United States Attorney's Office